

**BOARD OF SUPERVISORS' MEETING**  
**PLANNING AND ZONING AGENDA**  
**November 2, 2016**

**CONSENT AGENDA**

1. Title: Zanjero Trails Parcel 35B  
Case #: **S2013012**  
Supervisor District: 4  
Applicant/Owner: HilgartWilson / Jen Arizona 26 LLC & First American Title Insurance Company  
Request: Replat of Zanjero Trails Infrastructure Plat for Parcel 35B which will consists of 119 lots and 7 tracts in the R1-6 RUPD PAD zoning district  
Site Location: Approximately at the northwest corner of Perryville Rd. and Camelback Rd.  
Staff  
Recommendation: Approve
2. Title: Zanjero Trails Parcel 37A  
Case #: **S2015005**  
Supervisor District: 4  
Applicant/Owner: HilgartWilson / Jen Arizona 27 LLC  
Request: Replat of Zanjero Trails Infrastructure Plat for Parcel 37A which will consists of 91 lots and 4 tracts in the R1-6 RUPD PAD zoning district  
Site Location: Approximately at the northwest corner of Perryville Rd. and Camelback Rd.  
Staff  
Recommendation: Approve
3. Title: Zanjero Trails Parcel 40 and a portion of Parcel 39  
Case #: **S2013013**  
Supervisor District: 4  
Applicant/Owners: HilgartWilson / First American Title Insurance Company & Gehan Homes of Arizona  
Request: Replat of Zanjero Trails Infrastructure Plat for Parcel 40 which will consists of 119 lots and 7 tracts in the R1-7 RUPD PAD zoning district  
Site Location: Approximately at the northwest corner of Perryville Rd. and Camelback Rd.  
Staff  
Recommendation: Approve
4. Title: Zanjero Trails Parcel 43  
Case #: **S2013014**  
Supervisor District: 4  
Applicant/Owner: HilgartWilson / HBT of Windrose, LLC  
Request: Replat of Zanjero Trails Infrastructure Plat for Parcel 43 which will consists of 98 lots and 5 tracts in the R1-6 RUPD and PAD zoning district

Site Location: Approximately at the northwest corner of Perryville Rd. and Camelback Rd.

Staff

Recommendation: Approve

5. Title: Arlington Valley Solar Energy  
Case #: **Z2016059**  
Supervisor District: 4  
Applicant & Owner: Arlington Valley Solar Energy, LLC  
Request: Modification of Conditions  
Site Location: Generally located 1 mile south of Elliot Rd. and west of 355<sup>th</sup> Avenue alignment in the Arlington area
- Commission  
Recommendation: On 10/6/16, the Commission voted 6-0 to recommend **approval** of **Z2015059** subject to conditions 'a' – 'aa' with modifications to 'x' and 'z' as provided in a handout from staff. Shown below are the conditions in final format.

Provided the following conditions are met:

- a. Development of the site shall be in substantial compliance with the Site Plan entitled "Arlington Valley Solar Energy, LLC", consisting of sixteen (16) full-size sheets, stamped received March 25, 2011 except as modified by the following stipulations.
- b. Development of the site shall be in general conformance with the Narrative Report entitled "Arlington Valley Solar Energy", consisting of a bound document, 35 pages with figures and appendices, dated revised March 2011 and stamped received March 25, 2011 except as modified by the following stipulations.
- c. Any special events as described in the narrative report shall be limited to 30 people. The ground breaking event will exceed this maximum number; however, the developer will make provisions for off-site parking and shuttle service.
- d. Prior to zoning clearance for any permit, legal access documentation shall be provided for both the main and emergency access points.
- e. To the extent possible, the applicant shall accommodate Maricopa County's regional trail system which traverses their site generally along the 387<sup>th</sup> Ave. alignment adjacent to Winters Wash as may be deemed necessary by Maricopa County Parks.
- f. Any existing vegetation along 395<sup>th</sup> Avenue shall be maintained through construction and revegetation efforts shall be generally consistent with the vegetation along the west side of said alignment.

- g. Revegetation along and within Winters Wash shall be consistent with the US Army Corps of Engineers permitting requirements. In the event that this permit is not pursued, revegetation along Winters Wash shall be consistent with the Arlington Valley Energy Land Management Plan approved with CPA200004.
- h. All trees shall be double-staked when installed.
- i. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted or screened with a continuous parapet.
- j. Dedication of additional rights-of-way to bring the total half-width dedication to 65' for 395<sup>th</sup> Avenue shall occur on the earlier of a) May 11, 2022, or b) zoning clearance. All such dedications shall be in fee and free of all liens and encumbrances. Prior to acceptance of such dedication, the applicant shall provide the County an owner's title insurance policy issued to the County, the Maricopa County Department of Transportation (MCDOT) environmental checklist and any and all other requirements as set forth in the "MCDOT Right-Of-Way Dedications Reference Guide". Until Maricopa County has accepted said dedication, all responsibilities, including but not limited to maintenance and repair for the property to be dedicated shall be that of the applicant.
- k. Prior to zoning clearance, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation (MCDOT) for landscaping or other improvements in the right-of-way.
- l. The following Maricopa County Environmental Services (MCESD) stipulations shall be met:
  - 1. Prior to zoning clearance for issuance of the first facility building permit, all required permits for any required drinking water, sanitary and industrial wastewater permits by MCESD and Arizona Department of Environmental Quality (ADEQ) must be submitted to the appropriate agency.
  - 2. No facility operation can begin prior to the approval of the above permits (issuance of an Approval to Construct) and a construction approval (Approval of Construction) of the required facilities signed by MCESD.
- m. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- n. Development of the site shall be in compliance with all applicable Maricopa County Air Quality rules and regulations.
- o. An archeological survey shall be submitted to and approved by the Arizona State Historic Preservation Office prior to issuance of a grading permit. The applicant must contact the State office prior to initiating disturbance of the site.

The applicant shall provide the Planning and Development Department with written proof of compliance with this stipulation prior to zoning clearance for any building permits.

p. The following Maricopa County Drainage stipulations shall be met:

1. All development and engineering design shall be in conformance with the Drainage Regulation and current engineering policies, standards and best practices at the time of application for construction.
2. Drainage review of planning and/or zoning cases is for conceptual design only and does not represent final design approval nor shall it entitle applicants to future designs that are not in conformance with the Drainage Regulation and design policies and standards.
3. All modeling and analysis shall be considered conceptual and shall be refined to a level appropriate for design with the request for construction permits.
4. Yearly status reports shall be required that shall demonstrate that the retention areas have been inspected and maintained as listed in the *Operations and Maintenance of Drainage Systems* section of the latest drainage report and with any additional information that Maricopa County may require to demonstrate that the projects drainage management system is in conformance with regulatory development requirements.
5. The requirements for status reports shall be in addition to the requirements for such reports determined by the Planning Division or other regulatory agencies.
6. With all applications of construction permits, final construction details shall be provided for all requested construction activity for which details were not requested a part of the entitlement case. This shall include, but not be limited to, fencing, signage, erosion protection, channel armoring and drywells.
7. All construction activity shall be within the Special Use Permit (SUP) limits.
8. A schedule of construction shall be submitted with all phases of construction permit applications.
9. At time of construction permit application, all phases shall be demonstrated to meet regulatory development requirements independently from future phases or for prior phases not completed at time of final inspection.

- q. As part of the building permit process, a Floodplain Use Permit will need to be obtained from the Floodplain Management and Services Division of the Flood Control District.
- r. Development and use of the site shall comply with requirements for fire protection measures as deemed necessary by the Buckeye Valley Fire District. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- s. The applicant or his successor shall obtain approval of any development plans from the applicable Fire Marshall prior to any construction.
- t. This Special Use Permit shall expire forty (40) years from the date of approval by the Board of Supervisors, or upon expiration of the lease to the applicant, or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 90 days of such termination or expiration.
- u. The applicant shall submit an annual written report from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations including maintenance of drainage facilities.
- v. Amendments to the site plan and narrative report shall be processed as a revised application in accordance with Maricopa County Zoning Ordinance Article 304.9.
- w. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with Chapter 3 (Conditional Zoning).
- x. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- y. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval is temporary and allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions and stipulations. In the event of the failure to comply with any condition or stipulation, and at the time of expiration of the Special Use Permit, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with

any conditions or stipulations, or the expiration of the Special Use Permit, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation or expiration of the Special Use Permit. The Special Use Permit enhances the value of the property above its value as of the date the Special Use Permit is granted and reverting to the prior zoning results in the same value of the property as if the Special Use Permit had never been granted.

- z. If a building permit for the facility has not been issued by May 11, 2022, this SUP and the related Comprehensive Plan Amendments (CPA200808, CPA2009016, CPA200917, and CPA200919) will be scheduled for public hearing by the Maricopa County Board of Supervisors, upon recommendation by the Maricopa [County] Planning and Zoning Commission, to consider reverting the zoning to Rural-190 and the related land use designations to Open Space and Rural respectively. Additionally, in the event of reversion, the Land Management Plan associated with CPA200004 shall be implemented.
- aa. Prior to any ground disturbance activities and prior to the issuance of any construction permits, the developer shall provide assurance in an amount and form acceptable to the Maricopa County Planning & Development Department sufficient to restore or stabilize the entire site in the event the project is abandoned, expires, or otherwise becomes defunct. Additionally, in the event of reversion, the Land Management Plan associated with CPA200004 shall be implemented.

6. Title: Carefree Crossings  
Case #: **Z2015013**  
Supervisor District: 3  
Applicant/Owner: Burch & Cracchiolo, P.A. / Donald & Catherine Mahoney, MP 9365 Mc Kemy LLC  
Request: Zone Change from Rural-43 to C-2 CUPD without a precise Plan of Development and located within the Carefree Highway Scenic Corridor Study Area  
Site Location: Generally located at the northeast corner of Carefree Highway and 7<sup>th</sup> Street in the Desert Hills area.  
Commission  
Recommendation: On 10/6/16, the Commission voted 6-0 to recommend **approval** of **Z2015013** subject to conditions 'a' – 'n':

Provided the following conditions are met:

- a. Development of the site shall comply with the Zoning Exhibit entitled, "Carefree Crossings – 7<sup>th</sup> St. & Carefree Highway", consisting of 1 full-size sheet, dated revised April 7, 2015, and stamped received May 6, 2016, except as modified by the following conditions.
- b. Development of the site shall be in conformance with the Narrative Report entitled, "Carefree Crossings Zoning", consisting of eighteen pages, dated

November 2, 2016 Board of Supervisors' Meeting – P&Z Agenda

revised July 26, 2016, and stamped received July 28, 2016, except as modified by the following conditions.

- c. The C-2 CUPD will allow the following C-1 & C-2 commercial land uses on septic, to be reviewed and approved by Maricopa County Environmental Services Department (MCESD) with the Plan of Development application and permitting with MCESD:
1. Accessory buildings & uses customarily incidental to the above uses. Renewable energy systems are not permitted as a primary use but may be permitted as an accessory use as set forth in Section 1206 of MCZO. Where renewable energy systems involve the generation or storage of electricity, only grid-connected or off-grid systems are permitted.
  2. Antique shops
  3. Arcades
  4. Art Galleries
  5. Art metal and ornamental iron shops.
  6. Automobile parts & supplies.
  7. New and used, automobile and golf cart sales, and rentals provided all sales activities are conducted within a building.
  8. Awning and canvas stores.
  9. Bakery shops for sales of products prepared off site only.
  10. Banks
  11. Blueprint, Photostat and reproduction (copy) services.
  12. Boat sales, including an outside display area, provided all sales activities are conducted within a building.
  13. Books, stationery & gift shops.
  14. Business schools.
  15. Cabinet and carpenter shops.
  16. Candy shops for sales of products prepared off site only.
  17. Churches & house of worship, including accessory columbarium provided that the building area of the columbarium shall not exceed 10% of the total building area of the church building(s).
  18. Cleaning agencies, laundry agencies, pressing establishments provided there is no cleaning of clothes on the premise.
  19. Clock & watch repair shops.
  20. Clothing & dry good shops, including clothing & costume rental.
  21. Conservatories or studios: Art, dancing or music.
  22. Craft & hobby shops, with incidental craft or hobby instruction only.
  23. Day nurseries & nursery schools, playground equipment which shall be screened from any adjoining rural or residential zoning district.
  24. Department stores
  25. Dress shops
  26. Drugstores & soda fountains
  27. Electrical fixtures and appliance sales, repair and service.
  28. Feed stores, inside storage only.
  29. Privately owned or operated stations for fire protection, police or security service, ambulance or other emergency service providers.
  30. Florist shops

31. Furniture stores including: new, used, finished or unfinished merchandise.
32. Gardens and community gardens.
33. Gas (butane and propane), retail sales of
34. Hardware shops
35. Household appliance shops.
36. Ice cream shops
37. Interior Decorator shops.
38. Jewelry shops.
39. Key, locksmith or gun shops.
40. Liquor stores.
41. Liquor stores limited to retail sales of package goods for off-site consumption.
42. Medical clinics and surgical hospitals for farm animals (horse, cattle, and other farm animals) – No floor drains allowed.
43. Nurseries, flower and plant sales, provided all incidental equipment & supplies including fertilizer and empty cans, are kept within a completely enclosed building or within an area enclosed on all sides by a solid fence or wall at least 6' in height and no goods, materials or objects are stacked higher than the fence or wall so erected.
44. Offices.
45. Paint and wall paper stores.
46. Parking lots and public garages, subject to parking standards in MCZO Chapter 11.
47. Pet shops, including the treatment or boarding of cats, dogs or other small animals.
48. Photographer's and artist's studios.
49. Plumbing shops.
50. Pool halls or billiard centers.
51. Precision, optical and musical instrument repair shops.
52. Private clubs & fraternal organizations.
53. Private schools operated as a commercial enterprise.
54. Public facilities such as libraries, museums, parks, playgrounds, community buildings, including police stations, post offices and other community service buildings uses for non-commercial non-profit purposes.
55. Public schools: elementary, high school & college.
56. Precision, optical and musical instrument repair shops.
57. Radio & television broadcasting stations & studios, but not including transmitter towers & stations.
58. Radio and television shops, including repair.
59. Rental services: household, lawn, garden, sickroom or office equipment.
60. Retail stores.
61. Secretarial or answering services.
62. Self-storage facilities.
63. Service to the public of water, gas, electricity, telephone, cable television and sewage including wastewater treatment plants. The foregoing shall be deemed to include attendance facilities & appurtenances to these uses, including, without limitation, distribution, collector and feeder lines, pumping or boosting stations along pipelines, and substations along electric transmission lines.



64. Shoe repair shops.
  65. Tailor shops.
  66. Temporary construction administration offices/yard complex, which may include a security office or residence for a security guard provided that the following conditions are met: (a) the uses are only associated with the developer/owner & subdivision or project in which they are located. (b) Upon sales of the development cessation of the need for the use (95% buildout), or cessation of the use, all structures, modifications to structures and uses related to the temporary facility removed. (c) Those uses of structures allowed shall meet all building code requirements. (d) All items stored onsite shall only be those required for construction onsite. (e) The allowed uses may encroach into setback areas. (f) All necessary permits must be issued prior to placement on the site.
  67. Theaters, but not including a drive-in theater and adult-oriented facilities.
  68. Tinsmith shops.
  69. Trade school.
  70. Upholstery shops
  71. Variety and notion stores
  72. Veterinary hospitals, clinics and kennels for dogs, cats and small animals – No floor drains allowed.
  73. Video rental stores.
- d. The C-2 CUPD will allow the following C-1 & C-2 commercial land uses with a wastewater sewer provider. The owner shall provide documentation to Planning & Development and Maricopa County Environmental Services Department (MCESD) demonstrating connectivity to a sewer provider with application of a Plan of Development and application for permitting with MCESD:
1. Automobile laundries, provided steam cleaning is confined to a building.
  2. Automobile repair shops and garages, including an outside vehicle storage area to be used for vehicles under repair which shall be completely screened from any street or surrounding property, and further provided all repair operations are conducted within a building.
  3. New and used, automobile and golf cart sales, and rentals provided all sales, service and repair activities are conducted within a building.
  4. Baking on the premises for on-site sales only.
  5. Barber & beauty shops.
  6. Bars including retail sales of package goods for off-site consumption, provided that there is no entertainment of music or audible off-site.
  7. Health spas and public gyms.
  8. Boat sales, including an outside display area, provided all sales and repair activities are conducted within a building.
  9. Manufacturing of candy on the premises for on-site sales only.
  10. Catering establishments not utilizing any manufacturing process or outside storage of materials or vehicles.
  11. Cleaning agencies, laundry agencies, pressing establishments & self-service laundries or self-service dry cleaning machines, provided there is no cleaning of clothes on the premise.
  12. Delicatessen shops.

13. Drive-in restaurants and refreshment stands.
  14. Gasoline service station, provided all incidental repair work is conducted wholly within a completely enclosed building & space required for such repair work does not constitute more than 60% of the floor area.
  15. Grocery stores and meat markets.
  16. Hospitals.
  17. Hotels, resorts, motels.
  18. Manufacturing of ice cream on the premises for on-site sales only.
  19. Laboratories, medical or dental.
  20. Medical clinics and surgical hospitals for farm animals (horse, cattle and other farm animals).
  21. Restaurants & cafes, including patios, with or without cocktail lounges, provided there is no entertainment or music audible off-site.
  22. Restaurants and cafes, including drive-thru service with no outside eating facilities, but not including those having dancing or shows, or drive in car service. The sales of alcoholic beverages for on-site consumption only may be permitted as an accessory use subject to the following requirements: a) the kitchen facilities in the restaurant shall be no less than 20% of the floor area. (b) The floor plan of the restaurant shall be approved by the Planning and Development Dept.
  23. Taxidermists.
  24. Veterinary hospitals, clinics and kennels for dogs, cats and small animals.
  25. Any use permitted in the R-5 Multi-Family Residential Zoning District.
- e. The C-2 CUPD zoning district prohibits the following commercial land uses:
1. Adult oriented facilities – books, stationary and gift shops.
  2. No slaughtering of animals or poultry on the premises.
  3. Medical Marijuana Dispensary Facilities as defined in the Maricopa County Zoning Ordinance Chapter 2.
- f. Once a sewer provider is available to provide wastewater service to the subject properties, all land uses identified in conditions 'c' and 'd' will be considered an allowed commercial land use.
- g. The following C-2 CUPD standards shall apply:
1. Height: 25'/2 stories
  2. Front Yard setback: 25' or staggered front yard setbacks adjacent to Carefree Highway as follows: 40', 50', 55', and 60' – see Zoning Exhibit for setback locations.
  3. Side Yard setback: 0'
  4. Street Side Yard Setback: 10' or staggered street-side setbacks adjacent to Carefree Highway as follows: 40', 50', 55' and 60' – see Zoning Exhibit for setback locations.
  5. Rear Yard setback: 10' or 0' adjacent to drainage channel
  6. Lot Area: 6,000 sq. ft.
  7. Lot Width: 60'
  8. Lot Coverage: 60%

- h. At the time of each precise Plan of Development the applicant shall demonstrate compliance with the Carefree Highway Scenic Corridor Study Design Standards.
- i. The following Maricopa County Department of Environmental Services Department (MCESD) conditions shall apply:
  - 1. The onsite septic system designs will be submitted to MCESD for approval. Wastewater discharge will consist of typical sewage only, and will not include any motor oil, gasoline, paint, varnish, solvent, pesticides, fertilizer, or other material not generally associated with toilet flushing, food preparation, laundry, or personal hygiene (ACC R18-9-A309.7a).
  - 2. The owner will abandon the septic systems and connect to a public sewer system when one is available, and participate in a fair share of the public sewer system funding.
  - 3. Development and engineering design shall be in conformance with the Maricopa County Stormwater Quality Management and Discharge Control Regulation. The owner/developer shall prepare a Stormwater Site Plan (SWPP) and obtain approval by MCESD prior to construction (a separate submittal to MCESD is required).
  - 4. Upon completion of construction, the owner shall fulfill MCESD post-construction permit requirements. This will include appropriate operation and maintenance requirements.
  - 5. The property will be developed according to the permitted and prohibited land use table.
- j. The property owner shall submit a 'will serve' from the Daisy Mountain Fire Department for fire protection services for the project site. A copy of the 'will serve' letter shall be required as part of the initial construction permit submittal.
- k. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Zone Change as set forth in the Maricopa County Zoning Ordinance.
- l. The property owner/s and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with conditions.
- m. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that

either revocation due to the failure to comply with any conditions, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation of the Zone Change. The Zone Change enhances the value of the property above its value as of the date the Zone Change is granted and reverting to the prior zoning results in the same value of the property as if the Zone Change had never been granted.

- n. Zoning approval is conditional per Maricopa County Zoning Ordinance, Article 304.6, and ARS § 11-814 for seven (7) years for the initial construction permit outside of the Special Use Permit area and an additional seven (7) years for each subsequent phase, within which time the subdivision infrastructure permit or construction permit for each phase must be obtained. The applicant may request an extension of this timeframe pursuant to MCZO requirements. The applicant shall submit a written report every seven years from the date of Board of Supervisors approval of Z2015013 which details the status of this project, including progress on obtaining subdivision infrastructure and/or construction permits. The status report to be administratively reviewed by Planning and Development with the ability to administratively accept or to carry the status report to the Board of Supervisors (Board), upon recommendation by the Planning and Zoning Commission (Commission) for consideration of amendments or revocation of zoning for undeveloped parcels. Status reports will be required until completion of the initial subdivision infrastructure and/or construction permits for each zoning parcel (C-2 CUPD).

7. Title: Carefree Crossings  
Case #: **Z2015014**  
Supervisor District: 3  
Applicant/Owner: Burch & Cracchiolo, P.A. / Donald & Catherine Mahoney, MP 9365 Mc Kemy LLC  
Request: Special Use Permit for mini-storage and outdoor storage uses on the C-2 CUPD zoning district and within the Carefree Highway Scenic Corridor Study area  
Site Location: Located approximately 321' north from the northeast corner of Carefree Highway and 7<sup>th</sup> Street in the Desert Hills area.  
Commission  
Recommendation: On 10/6/16, the Commission voted 6-0 to recommend **approval** of **Z2015014** subject to conditions 'a' – 'h'.

Provided the following conditions 'a' – 'h' are met:

- a. Development of the site shall comply with the Site Plan entitled, "Carefree Crossings – 7<sup>th</sup> Street & Carefree Highway" consisting of one full-size sheet, dated July 20, 2016, and stamped received July 28, 2016, except as modified by the following conditions.
- b. Development of the site shall be in conformance with the Narrative Report entitled, "Carefree Crossings", consisting of 22 pages, dated, revised July 26,

November 2, 2016 Board of Supervisors' Meeting – P&Z Agenda

2016, and stamped received July 28, 2016, except as modified by the following conditions.

- c. The property owner shall submit a 'will serve' letter from the Daisy Mountain Fire District for fire protection services for the project site. A copy of the 'will serve' letter shall be required as part of the initial construction permit submittal.
- d. The owner shall submit a written report outlining the status of the outdoor storage component of the development every 5 years from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the outdoor storage Special Use Permit remains in compliance with the approved conditions.
- e. The following Maricopa County Environmental Services Department (MCESD) conditions shall apply:
  - 1. The owner will abandon the septic systems and connect to a public sewer system when one is available, and participate in a fair share of the public sewer system funding.
  - 2. Development and engineering design shall be in conformance with the Maricopa County Stormwater Quality Management and Discharge Control Regulation. The owner/developer shall prepare a Stormwater Site Plan (SWPP) and obtain approval by MCESD prior to construction (a separate submittal to MCESD is required).
  - 3. Upon completion of construction, the owner shall fulfill MCESD post-construction requirements. This will include appropriate operation and maintenance requirements.
- f. The following Planning Engineering conditions shall apply:
  - 1. Detailed Grading & Drainage Plans showing the new site improvements must be submitted for the acquisition of building permits.
  - 2. Prior to issuance of any permits for development of the site, including landscaping, underground electrical transmission, channel crossings, or other improvements occurring within the right-of-way, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation.
  - 3. Roadway reviews of planning and/or zoning cases are for conceptual design only and does not represent final design approval nor shall it entitle applicants to future designs that are not in conformance with current County Design Standards.
- g. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.

- h. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, and at the time of expiration of the Special Use Permit, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, or the expiration of the Special Use Permit, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation or expiration of the Special Use Permit. The Special Use Permit enhances the value of the property above its value as of the date the Special Use Permit is granted and reverting to the prior zoning results in the same value of the property as if the Special Use Permit had never been granted.